THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 14th July, 2006

W.P.No.5244 of 2000

Between:

P. Ramanaiah ... Petitioner

and

The Superintending Engineer,
Irrigation Circle, Nirmal,
Adilabad district. ... Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.5244 of 2000

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the respondents in not issuing experience certificate in the name of the petitioner (GPA holder) in connection with the works executed under Agreement No.44/97-98, dated 28-2-1998 and not taking into account the experience gained by him, as arbitrary and illegal and consequently to direct the respondents to issue experience certificate in the name of the petitioner.

It is the case of the petitioner that he is a registered contractor with special class in Bridges and other structures as per G.O.Ms.No.521, dated 10-12-1984, vide Proceedings dated 28-10-1996 of the 1st respondent. He has been executing all the Governmental works without any complaint. The respondents entered into an agreement with one Pallapu Chinna Ankaiah in connection with the works of formation of reservoir across Nakka Vagu near Jilayla, Sirisilla Mandal of Karimnagar district through agreement dated 28-2-1998. The said Ankaiah executed a General Power of Attorney in his favour on 14-3-1998. The Department also permitted him to execute the works as GPA holder of the said Ankaiah. He executed certain works as per the supplemental slip for additional item of work to be carried out by the Contractor under Clauses 16 and 63 of APSS. After successful completion of the works, he approached the respondents for issuance of experience certificate in his name, since the same will be useful for him in participating in future tenders with the respondents. Petitioner's case was rejected saying

that he was only a GPA holder and as such, he was not entitled for any experience certificate.

Heard both sides and perused the entire material made available on record.

The approach made by the respondents seems to be not correct. As per Clause 16 and 63 of APSS even the original contractor can execute a power of attorney in favour of anybody for getting certain works executed. In this case, exactly the same thing had happened. Once this is so, it can be said that the GPA holder executed the work and he is entitled to get the experience certificate, since he was permitted to execute the works as per the agreements between the parties i.e. Master (contractor) and Agent (petitioner) and the respondents herein.

In view of the above, the respondents are directed to consider the case of the petitioner for issuing experience certificate for the works he was permitted to execute as General Power of Attorney of Pallapu Chinna Ankaiah and pass appropriate orders, within a period of three months from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No order as to costs.

14-7-2006

prk